

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 8, 2003
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Tracy Freeman, Ba'hai Faith, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of July 1, 2003, as corrected, were approved 7 to 0.

AWARDS AND PRESENTATIONS

AWARDS Kansas Society of Professional Engineers Award for Engineering Achievement was presented.

PROCLAMATIONS Proclamations previously submitted were presented.

PUBLIC AGENDA

Jeffery P. Hattan - Litterbug Problem.

Mr. Hattan was not present.

UNFINISHED BUSINESS

CUP2003-00024 **CUP2003-00024 – DP151 AMENDMENT NO. 3 – AMENDMENT TO THE DUGAN CENTRE COMMUNITY UNIT PLAN – SOUTH OF TAFT, WEST OF DUGAN. (District V)**
(Continued from July 1, 2003)

Dale Miller Planning Department reviewed the Item.

Agenda Report No. 03-0673B.

On July 1, 2003, this Item was deferred to the July 8, 2003, City Council meeting.

The applicant is requesting to amend Parcel 3A of DP-151 The Dugan Centre Community Unit Plan. The applicant proposes to amend Parcel 3A to increase maximum building coverage from 21 percent to 30 percent, the gross floor area from 21 percent to 32 percent, the maximum number of buildings from three to six buildings. The applicant is also proposing to reduce the building setback on Taft from 100 feet to 35 feet. Uses allowed would be all permitted uses in "GC" General Commercial except the following: correctional placement residences, day reporting center, group home, night club, sexually oriented businesses, tattooing and body piercing, tavern or drinking establishment and vehicle storage yard.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 398

The property is zoned “GC” General Commercial. Uses currently permitted are recreation center, financial institution, motel/hotel, offices, office warehousing, retail/wholesale business, miniature golf facility, and automotive agencies. This is an unusual list. It omits all residential and public/civic uses.

The requested change would permit all uses classified by the Unified Zoning Code as “residential”. It would permit all uses classified as “public and civic” except correctional placement residences and group homes. Although the applicant’s request included day reporting center as a prohibited use, but this is always prohibited in the “GC” zoning district.

Additional “commercial” uses that would be allowed are: animal care, limited and general; broadcast/recording studio; car wash; convenience store; funeral home; kennel, hobby or boarding, breeding and training; marine facility; microbrewery; monument sales; nurseries and garden center; pawn shop; personal care service; personal improvement service; post office substation; printing and copying; recreational vehicle campground; restaurant; riding academy or stable; secondhand store; service station; vehicle repair, limited and general (body shop allowed); vocational school; and warehouse, self-service storage.

Additional “industrial, manufacturing and extractive” uses would be: manufacturing, limited and general; research services; outdoor storage; welding or machine shop.

No changes are proposed for parking and sign requirements.

The subject tract is positioned between two distinctively different areas, and serves as the buffer zone. The area to the north is zoned “SF-5” Single-family residential as the Westerlea Village Addition. The area to the south is zoned “GC” General Commercial and developed with large-scale big box commercial uses.

Staff recommendation eliminated those uses considered more intense and less suitable to being in close proximity to residential use. Staff recommendations also included realigning access points across from the existing streets to minimize light glare from the development to the residential neighborhood and architectural compatibility, and exterior metal facades on the north, east and west elevations visible from the neighborhood. The specific staff recommendations were:

1. The platted 100-foot setback shall be vacated as a condition of approval.
2. The access points shall be aligned with Howe Road and Fairhaven Road.
3. Proposed uses: Those permitted by-right in the “GC” General Commercial district, except the following: correctional placement residences, limited and general; group home, limited, general and commercial; animal care, general; broadcast/recording studio; car wash; convenience store; funeral home; kennel, hobby or boarding, breeding and training; marine facility; microbrewery; monument sales; night club in the city; nurseries and garden center; pawn shop, recreational vehicle campground; riding academy or stable; secondhand store; service station; sexually oriented businesses; tattooing and body piercing facility; tavern or drinking establishment; vehicle repair, limited and general (body shop allowed); vehicle storage yard; vocational school; warehouse, self-service storage; manufacturing, limited and general; research services; outdoor storage; welding or machine shop. Restaurants shall be permitted in accordance to the Unified Zoning Code Art. III, Sec. III-D.6. t.
4. If the service area or the rear of buildings face directly or are visible from Taft, a screening wall of six to eight feet in height of masonry, concrete or similar material, not including wood or woven wire, shall be provided to sufficiently hide the service area or rear of the buildings from view in addition to the 20-foot landscape buffer.
5. All buildings on the parcel shall share uniform architectural character, color, texture, and the same predominant exterior building material as determined by the Planning Director. Building walls and roof must have predominately earth-tone colors, with vivid colors limited to incidental accent, and metal shall not be used as the predominate exterior building material on the north, east or west elevation.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 399

6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

7. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

8. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

At the MAPC hearing held May 22, 2003, the agent for the applicant submitted requested changes to staff recommendations. The agent requested some of the more intense uses recommended for elimination by staff to be permitted. These were: carwash; funeral home; monument sales; nurseries and garden center; secondhand store; vehicle repair, limited and general with body shop allowed) manufacturing, limited and general; research services, welding or machine shop; and restaurants with drive-in or in-car service and no limits on size of restaurants. The agent also requested allowing metal on all building facades and not requiring access points across from the existing streets. MAPC voted (12-1) to approve subject to the agent's requests with one modification. Manufacturing was to be restricted to manufacturing, limited subject to Unified Zoning Code "LC" supplemental use requirements.

The District V Advisory Board considered this request subsequently on June 2, 2003. There were neighborhood residents present to speak at the hearing. A first motion to approve subject to staff's original recommendation died for lack of a second. A motion was approved (3-2) to recommend the amendment subject to staff recommendation but with the additional condition of no change to permitted uses currently allowed by the C.U.P.

Protests have been received from residents representing 20 percent. This will require the vote of 3/4th majority vote, or 6 of 7 council members, to approve the amendment.

Council Member Martz

Council Member Martz said that, given the surrounding commercial character of the property surrounding three sides of the application area, this parcel is not suitable for residential uses. Therefore, the critical concern is to develop a proposal that provides for nonresidential uses that would be compatible with the neighborhood located to the north.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, except the following additions and revisions (J-N):

J. All uses allowed in the "GC" General Commercial district, except the following:

correctional placement residences, limited and general; group homes, limited, general and commercial; animal care, general; broadcast/recording studio; convenience store; kennel, hobby, boarding, breeding and training; marine facility; microbrewery; night club; pawnshop; recreational vehicle campground; riding academy or stable; service station; sexually oriented business; tattoo/body piercing facility; tavern; drinking establishment; vehicle repair, general; vehicle storage yard; vocational school; warehousing, self-service; outdoor storage not associated with a business located on this parcel (and subject to M. below); manufacturing, general; car wash; and vehicle sales. Manufacturing, limited shall be permitted subject to "LC" Restaurants shall be permitted in accordance with UZC Art. III, Sec. III.D.b.t.

K. If the service area or the rear of buildings face directly or are visible from Taft, a screening wall of six to eight feet in height of masonry, concrete or similar material (not including wood or woven wire) shall be provided to sufficiently hide the service area or rear of the buildings from view. This screening shall be in addition to the 20-foot landscape buffer.

L. All buildings on the parcel shall share uniform architectural character, color, texture, and the same predominate exterior building material. Building walls and roofing must have predominately earth tone colors, with vivid colors limited to incidental accent, and metal shall not be used as

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 400

the predominate exterior building material on the north facades, and the east facade of the easternmost building, and on the western façade of the westernmost building.

M. Any outdoor storage associated with the primary uses on this parcel shall be screened from view of residential property to the north through landscaping, screening walls or a combination of both. Screening walls may be constructed of wood, masonry, concrete or similar material (no woven wire fence shall be allowed).

N. Parking lot light fixtures shall be shielded to direct light away from nearby residential property. The maximum height of any parking lot fixtures shall be 25 feet.

-- carried

Motion carried 7 to 0.

NEW BUSINESS

PETITION

SANITARY SEWER ALONG SOCORA, NORTH OF MAPLE. (District V)

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0729

On October 1, 2002, the City Council approved a project to construct a sanitary sewer along Socora, north of Maple. The area that will be served by the sewer is comprised of single-family homes that are on private septic tank systems.

Septic systems do not effectively remove nitrates, chlorides, domestic solvents and other chemicals. There is a risk that these chemicals will migrate into the groundwater. Such migration will pose a serious threat to the City's water supply.

The original design concept was to extend a sewer line across front yards on Socora. However, property owners have not been willing to dedicate the required easements. As a result, the sewer line needs to be built within existing street right-of-way. The project cost will escalate because of the cost of pavement replacement and conflicts with other utility lines. The District V Advisory Board sponsored a June 2, 2003, neighborhood hearing on the proposal. The Board voted 5-0 to recommend that funds be authorized to construct the project in street right-of-way.

The original estimated project cost was \$67,500. The estimated cost of the revised project is \$130,000. The funding source is special assessments. The revised project will increase the estimated rate of assessment from \$00.23 to \$00.443 per square foot of ownership.

State Statutes provide the authority for the City Council to order in a sanitary sewer.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Lloyd Robinson

Lloyd Robinson, 103 South Socora, explained that sewer service had been extended to his property's south boundary. At the time the sewer service was provided to that location, Mr. Robinson had just installed a new septic tank and did not need sewer service. Now, the septic system is failing and the city does not allow installation of new septic when sewer service is available within a certain distance. Mr. Robinson said he has been told he cannot connect to the sewer line in back of his property but must have a new line installed either in the street or under large, established trees.

Motion --

-- carried

Martz moved that the revised project be approved and the Resolution be adopted. Motion carried 7 to 0

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 401

RESOLUTION NO. 03-353

A resolution amending no. 02-438 pertaining to the construction of lateral 65, main 4, southwest interceptor sewer (along Socora, north of Maple) 468-83503 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

LINCOLN IMP.

LINCOLN AT MCLEAN INTERSECTION IMPROVEMENTS. (District IV)

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0730

The Capital Improvement Program includes a project to improve the intersection of Lincoln at McLean. On April 3, 2002, District Advisory Board IV sponsored a neighborhood hearing on the proposal. The Board expressed support of the project.

The project will provide left turn lanes at the north and south approaches to the intersection. Drainage will be improved. New traffic signals will be installed. The available right-of-way will be landscaped. Work will begin this summer and be completed in the fall.

The project budget is \$850,000 with \$350,000 paid by the City and \$500,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Gray moved that the project be approved, the Ordinance be placed on first reading, and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

ORDINANCE

An ordinance declaring the intersection of Lincoln and Mclean (472-83799) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

BUDGET

PRESENTATION AND COMMENTS ON THE PROPOSED 2004/2005 ANNUAL BUDGET

Chris Cherches

City Manager said the annual budget presented to the City Council addresses the needs of the City within the City's ability to pay. The budget is balanced with revenues equaling expenditures with no property tax mill levy increase. The City will continue to restructure and seek new and innovative ways to serve at lower cost. The City lost \$10 million in prior revenues over an 18-month period. The result has been some necessity to reduce programs and services. The proposed budget represents a two-year physical action plan, and offers a framework for decision-making. The total proposed 2004 budget is \$371 million total expenditures - actually two-percent lower than the current year. The General Fund budget totals \$150 million - a one-percent reduction. Most City jobs have been preserved and employees are provided a 1.5 percent pay increase.

Ray Trail

Director of Finance gave an overview of the budget. The Executive Budget is followed by the City Manager letter and department summaries. The second volume is the Detailed Budget. Copies are available at City libraries and the budget will be on the Internet.

Essential services have been sustained. Reductions have been made in all operations at some level. Issues for future fire station relocation will require additional funding. Maintenance is an area of

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 402

reductions. Water and sewer rates proposed 3 percent increases each - lower than the projected 5 to 8 percent increases. The landfill post-closure funding is assured. Funding has been included for a 1.5 percent GPA increase, and funding has been included to continue merit increases. Health insurance costs are funded at the current ratio.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Mayans moved that the budget be received, public hearing and workshops be scheduled to give direction to Staff. Motion carried 7 to 0.

BOARD REQ.

RESIDENCY REQUIREMENTS FOR BOARDS/COMMISSIONS

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 03-0732.

The City Council asked that Staff present options for changing the residency requirements for the Mechanical, Plumbers, Electrical Board and the Codes of Standards and Appeals - - similar to the requirements governing City employees.

The residency requirements for all City Boards and Commissions are established by ordinance (either general ordinance in 2.12.010 (1) or specific ordinances pertaining to some individual boards). The basic requirement is that members of the Boards and Commissions must be residents of the City of Wichita.

Residency requirements may be changed in the same manner, i.e., by a simple ordinance. The decision to make such a change is a policy decisions for the City Council. The reason that the changes may be made by simple ordinance is that in the past, the City adopted various charter ordinances to "charter out" of most statutory requirements for Boards and Commissions. Therefore, the statutory requirements are no longer applicable.

There are three exceptions to this, however:

1. The SSMID Advisory Board membership requirements are set by State statute and cannot be changed by City ordinance.
2. The Police and Fire Retirement Board is established by Charter Ordinance and may require Charter Ordinance for residency changes.
3. There are legal limitations on changes to the Metropolitan Area Planning Commission.

Employee Residency Requirements: The City has a history of having a residency requirement, dating back to the 70's. Since then, the City has had a variety of residency policies, including a rigid requirement of in-town residency and several different policies based on driving time. In 1994, the City Council re-imposed strict residency requirements for newly hired employees to live within the City limits. (This policy did not apply to those hired before April, 1994, or for those in joint City-County departments).

Both the Police and Fire unions challenged this policy, but their challenge failed because under current statutes, the City has the sole authority to implement residency requirements.

The governing body's position at the time was that residency requirements, among other things, was seen as a way to "... develop a commitment and stake in the community and to strengthen the municipality's tax base and economic well-being." A Denver court case, the Court supported the residency rule by stating that "establishing community dedication and economic support are valid aims" of the City Council. The Wichita City Council's basis for the 1994 residency requirement was the expectation that employees will have "a more intimate knowledge and commitment to the community by living where they work" and further, that residency requirements were seen "...as promoting more goodwill between taxpayers and their public employees because resident staff members are taxpayers', neighbors, local consumers, and have a vital stake in the neighborhood/city in which they live".

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 403

In 1999, the City Council again revised the policy – partly because of the difficulty in attracting some highly qualified and professional area personnel who did not wish to move into the City. This new policy required employees to live within a 30-minute lawful driving distance. This policy has not been changed since.

Residency Requirements: The issue of residency for employees or members of City advisory Boards or Commissions really depend upon the goals the City Council wishes to achieve or if these goals can be met without such requirements. If residency requirements impair the quality and diversity of the workforce or advisory groups, then the public may not be as well served as it deserves to be.

Some of the typical arguments for residency requirements include:

- Develops a commitment in the City and involvement in local affairs
- Provides assurances that employees will be more available during emergency situations
- Living with the community/neighborhood encourages stability and greater interest in promoting safety/health, etc., especially public safety officers as deterrent to crime situations
- Elected officials must reside within the community, why not its employees
- Workers living in the city in which they work are more dedicated and committed than those who live elsewhere and commute
- Local interests and community involvements are often where you domicile and not where you work

Some of the opposite views include:

- Residency restrictions may build barriers between jurisdictions
- Residency is difficult to enforce
- Penalizes qualified persons who seek to live in rural-settings and/or other school districts
- May reduce the ability of the City to hire the best and most qualified job applicants
- Ill will can arise if government groups (i.e. county, cities, schools) are treated differently

Advisory Boards and Commissions: Generally, members to City advisory Boards and Commissions can be viewed much in the same way as employees. That is, virtually the same arguments (for and against) apply. In the case of advisory Boards and Commissions, some criticism could be made that many of these advisory bodies recommend and impact policies on residents of the City, but those who do not live in the City have little stake in the outcome, enforcement or impact of these decisions. For example, pension boards who are responsible for directing the investments of hundreds of millions of dollars in public funds and have no personal stake in the outcome of their decisions (like raising taxes if investments go wrong), could be of concern. Likewise, as a policy matter, does the governing body wish those Boards (i.e. Library Board) deciding whom to hire as a Director of the Wichita Libraries? For those policy advisory boards dealing with urban issues, is the Council concerned about having members who represent urban versus suburban versus rural interests?

Technical Boards: Because of the nature of these respective Boards (i.e. Plumbing/Gas Fitters; Electrical Appeals, Board of Appeals of Air Conditioning Refrigeration, Heating and Boilers, and Board of Code Standards and Appeals), and the need to have qualified members that work in the trades and understand and have knowledge of the technical nature of the work and the codes that govern such work, it is important to attract the most qualified persons willing to give their time to carrying out the responsibilities of these various Boards/Commissions. Eliminating the restrictions on members to these advisory technical bodies may make it easier to fill these Boards/Commissions with the best qualified individuals. However, looking from the view of local licensed contractors having someone from outside Wichita who may (or may not) be familiar with the Codes enforced by the City may be seen as an issue.

The City Council has the authority to change the residency requirement to these technical Boards (and, perhaps, other advisory Boards/Commissions) as it sees fit.

Some of the options for City Council considerations, include:

1. Leave the residency requirement on all Boards/Commissions;
2. Modify the residency policy for all Boards/Commissions on the same basis as City personnel (to live within 30-minute lawful driving distance);

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 404

3. Abolish the residency requirement for advisory Boards/Commissions but limit the number of non-residents to no more than 25% (rounded) members (i.e. 2 for seven member Boards/Commissions and 4 for 15 member Boards/Commissions).
4. Modify the residency policy for only the Technical Boards as listed above.

Note: The above options exclude those Boards/Commissions previously listed as exceptions, nor does it apply to the requirements for specific professional skills that are required on such Board/Commissions (i.e. Design Review Council, Alternative Correctional Housing, technical boards, Housing Advisory Board, Public Building Commission).

- Council Member Gray Council Member Gray said the inconsistency between the Trade Boards' residence requirements was brought to his attention. The Boards felt there was not proper representation because many owners of property within Wichita who do a majority of the work - but reside outside the City Limits are not allowed to serve on the Boards. City employees are allowed to live within 30-minutes of the City's boundaries. There is some impropriety in the difference.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Lonnie Wright Member of the Board of Appeals for Plumbers and Gas Fitters spoke in favor of amending the Ordinance requirements. Mr. Wright read a letter from Jerry Jones who wrote in favor of the change.
- Ron Means President of Central Kansas Plumbing Association, and other associations, spoke in favor of changing the ordinance. Mr. Means said he felt the certificate holder should also hold a Wichita license to serve on the Board.
- Ray Frederick Mechanical Board of Appeals, and other organizations, spoke in favor of the ordinance change being specific to the trade boards. Mr. Frederick also felt the certificate holder should have a current City of Wichita certificate and possess a valid Wichita license.
- Council Member Lambke Council Member Lambke expressed reservations about changing City policy, and said he sees this leading to more relaxation of rules in the future. The distance from the City could be extended until control of the boards would be by people who are not residents of the City. The people whose businesses exist because of Wichita, should live in Wichita. Could it be possible this would eventually extend to District Advisory Boards? The City should be very careful when allegiance to the City is diminished.
- Council Member Fearey Council Member Fearey said she worried about what people might do to get on a board and not live in the City. The City Council maintains a responsibility to protect Wichita citizens. This issue should be looked at very carefully. District Advisory Boards are used to allow citizen input. The proposed change should be referred to the District Advisory Boards so the City Council can have additional input from boards and neighborhoods. The City has always been able to fill board positions from qualified people who live within the City limits.
- Motion -- Gray moved that Option 4, with modification that the changes only apply to the four technical boards, and that: 1) Any individual on the board be required to have a license or certificate held by the City of Wichita; and 2) there be a restriction to the number of people residing outside the city boundaries to two less than a quorum.
- Substitute Motion -- Fearey moved a substitute motion that this matter be referred to the District Advisory Boards for further citizen input. Substitute motion carried 4 to 3. Gray, Mayans, Schlapp - No.
-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 405

STATE OFFICE BLDG. STATE OFFICE BUILDING GARAGE CONDOMINIUM AND PARKING LEASES. **(DISTRICT I)**

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0733.

In 1993, the City of Wichita, through its Public Building Commission and in partnership with Sedgwick County, redeveloped the former Dillard's department store in downtown Wichita into the Finney State Office Building, consolidating eleven (11) state agencies and approximately 1,000 state employees into the facility. In addition to the State Office Building, the project included the construction of a parking garage and surface parking lots for State employees and visitors.

The Wichita Public Building Commission ("PBC") is in the process of refinancing the 1993 bonds that were issued to finance the renovation of the Dillard's building and the construction of the parking garage and surface parking lots. In conjunction with that process, it is necessary to convey a legal interest in the parking facilities to the PBC to fully secure the refunding bonds. It is proposed that the conveyance be made through subdivision of the garage into condominiums and by leasing the surface lots.

The lease agreement between the State of Kansas and the PBC requires the PBC to provide 475 parking spaces in a parking garage and 200 spaces in surface lots for use by State employees and visitors. In connection with the State Office Building Project, the City constructed the William Street Parking Garage, consisting of 650 parking spaces. The 475 spaces designated for state employees are located on the upper levels of the garage, with the lower 175 spaces available for hourly or monthly rental by the general public. In addition, the facility was constructed with approximately 6,000 square feet of commercial shell space on the ground floor, intended for lease to retail businesses. This space is currently used to house Career Development offices.

PBC bonds were used to finance a substantial amount of the cost to construct the portion of the William Street Garage leased to the State of Kansas. Under the bond documents, that portion of the garage should be pledged as collateral to the bonds. Because the 475 spaces are part of a larger facility, it is necessary to subdivide the garage into separate condominiums so that only the 475 spaces are conveyed to the PBC. Also, by splitting the facility into condominiums, if the storefront space is leased to retail businesses in the future, only the condominium covering the storefront space would be subject to property taxes. Without separate condominiums, the entire facility would be taxable in that circumstance.

The surface parking lots were built on property adjacent to the Allis Hotel, following its demolition in 1994. At that time, the City negotiated an amendment to the State lease that allows the City to preserve the option to assemble the parking lots together with the former hotel land as a potential development site, should the opportunity arise. The lease amendment allows the PBC to provide substitute surface parking facilities as long as they are located within 1,000 feet of the State Office Building. It is proposed that the City lease the current surface lots to the PBC with an early termination provision that mirrors the provisions of the State lease amendment.

There is no financial impact to the City of Wichita. The costs associated with the declaration of condominium will be paid from the proceeds of the PBC refunding bonds.

Bond Counsel has prepared documentation needed to subdivide the William Street Garage into condominiums, including a declaration of condominium and by-laws for an association of condo members, as well as lease agreements covering the visitor and employee surface parking lots. The condo association by-laws provide for a board of directors elected by owners of condo units with the City Manager serving as chair.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 406

Motion --

Brewer moved that the Ordinance approving the declaration of condominium and by-laws for the William Street Parking Garage and the lease agreements with the Wichita Public Building Commission for the Broadway Avenue Parking Lot and the Topeka Avenue Parking Lot be placed on first reading; and the necessary signatures on the documents be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance approving the declaration of condominium and by-laws for the William Street Parking Garage and the lease agreements with the Wichita Public Building Commission for the Broadway Avenue Parking Lot and the Topeka Avenue Parking Lot, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS.

Motion --

Mayans moved that the following appointments: Mathew Goolsby - Library (Gray); Garafalo - MAPC, Bagby and Parli - Library, Faroh -Airport (Lambke); and Patrick Johnson - Plumbers and Gas Fitters, Susan Estes - Library, Bob Hernandez - MAPC; Winston Kenton - Police and Fire, Ron Estes - Airport, Mary Sciortino - Sister Cities (Mayans) be approved. Motion carried 7 to 0.

-- carried

CONSENT AGENDA

Mayans moved that that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 7, 2003.

WATER/SEWER DEPARTMENT/Sewage Treatment Division - Ferrous Chloride (184754)

Group 1 (base bid)

\$0.2569/lb

AIRPORT DEPARTMENT/Airfield Maintenance: Dump Truck (190017)

State of Kansas Contract #05011

(Code Section 2.64.020(j))

Rusty Eck

\$85,973.00

Motion --

Mayans moved that the Report be received and filed; the Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal

2003

(Consumption on Premises)

Michael Chapple

Club Billiards*

925 West Douglas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 407

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2003 sanitary sewer reconstruction, Phase 6 (various locations) - north of 31st Street South, east of Meridian) (468-83648/620380/663501) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV,VI) - \$390,000.00
- b) Sedgwick from the north line of 53rd St. N to 105 feet north of the south line of 57th St. North; Athenian from the north line of 54th St. North to the south line of vacated 57th St. North; Charles from the north line of 54th St. North to the south line of vacated 57th St. North; St. Clair from the north line of 54th St. N to the south line of vacated 57th St. North; Delaware from the north line of 54th St. North to the south line of vacated 57th St. North; 54th St. North from the west line of Sedgwick to the west line of Delaware; 56th St. N from the east line of Meridian to the west line of Delaware; 57th St. North from the east line of Meridian to the west line of Sedgwick to serve Leewood Heights, and 2nd, 3rd and 4th Additions, Anderson Acres, and others - north of 53rd Street North, east of Meridian. (472-83474/765717/490828) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$1,340,000.00
- c) Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89845/735134/470804) Does not affect existing traffic. (District II) - \$54,000.00
- d) Water distribution system to serve Smithmoor 10th Addition - south of Harry, west of Greenwich. (448-89667/735124/470794) Does not affect existing traffic. (District II) - \$50,700.00
- e) Water distribution system to serve Clear Creek Addition - south of Kellogg, west of 143rd Street East. (448-89807/735129/470799) Does not affect existing traffic. (District II) - \$111,000.00
- f) Storm Water Drain #203 to serve Clear Creek Addition - south of Kellogg, west of 143rd Street East. (468-83613/751337/485228) Does not affect existing traffic. (District II) - \$489,000.00
- g) Lateral 350 Four Mile Creek Sewer to serve Clear Creek Addition - south of Kellogg, west of 143rd Street East. (468-83612/743988/480676) Does not affect existing traffic. (District II) - \$165,000.00
- h) Storm Water Drain #198 to serve Tyler's Landing Addition (south of 37th Street North, east of Tyler) (468-83579/751330/485221) Does not affect existing traffic. (District V) - \$467,000.00
- i) Lateral 352 Four Mile Creek Sewer to serve Grace Park (north of Harry, east of Greenwich) (468-83654/743995/480683) Does not affect existing traffic. (District II) - \$108,000.00
- j) Storm Water Drain #204 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83625/751334/485225) Does not affect existing traffic. (District II) - \$888,000.00
- k) 35th Street South from Gold to Gold to serve West Robbins 2nd Addition and South High School Addition - east of Seneca, south of 31st Street South. (472-83661/765762/490873) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$30,000.00
- l) 2003 Park CIP Asphalt Parking Lot and Entry Drive Resurfacing Improvements - north of Mt. Vernon, east of West Street. (472-83796/785034/393166) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V) - \$450,000.00
- m) Water distribution system to serve Pine Meadow Addition - south of 13th Street North, east of Greenwich. (448-89647/735131/470801) Does not affect existing traffic. (District II) - \$102,000.00
- n) Brookview from Tyler Road to the east line of Lot 28, Block C; Valerie and 34th Street North from Brookview to the east line of Lot 32, Block B; Valerie Circle from 34th Street North to and including cul-de-sac; 34th Street North Court from 34th Street North to and including cul-de-sac to serve Lots 17 thru 24, Block B; 34th Street North Court from 34th Street North to and including cul-de-

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 408

sac to serve Lots 25 thru 32, Block B; Sidewalk on one side of Brookview, Valerie and 34th Street North to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (472-83691/765784/490895) Does not affect existing traffic. - \$348,000.00

o) Brookview from the east line of Lot 28, Block C, to High Point; High Point, Brookview and Pepper Ridge from the south line of Tyler's Landing Addition to the north line of Tyler's Landing Addition; 34th Street North from the east line of Lot 32, Block B to Pepper Ridge; Lang from Pepper Ridge to the east line of Tyler's Landing Addition; Sidewalk on one side of Brookview and High Point, Brookview, and Pepper Ridge to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (472-83692 /765784/490904) Does not affect existing traffic. (District V) - \$295,000.00

Motion --carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Utility easement dated May 23, 2003 from J. Robert Upchurch for a tract of land located in the Southeast Quarter of Section 13, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas (OCA #743957). No cost to City.

b) Drainage Easement dated June 5, 2003 from USD 259 for a tract of land located in the north half of the Northeast Quarter of Section 22, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (OCA #607861). No cost to City.

Motion -- carried Mayans moved that the documents be accepted. Motion carried 7 to 0.

STATEMENTS/COST STATEMENTS OF COST:

a) Improving Tee Time; Lakecrest Circle, and sidewalk to serve Forest Lakes Addition (north of 29th Street North, west of Ridge Road). Total Cost - \$165,700.81 (plus idle fund interest - \$4,105.90, plus temporary note interest - \$7,032.29). Financing to be issued at this time - \$176,839.00. (765647/472-82699/490-758).

b) Improving Northwind and West 33rd Street North to serve Ridgeport Commercial Park (north of 29th Street North, west of Ridge). Total Cost - \$223,886.55 (less idle fund interest - \$3,342.91, plus temporary note interest - \$1,171.54). Financing to be issued at this time - \$228,401.00. (765742/472-83556/490-853).

c) Improving Eagles Landing, Willow Point, Dellrose Circle, Eagles Landing Court to serve Eagles Landing at North Oliver 2nd Addition (south of 45th Street North, west of Oliver). Total Cost - \$307,547.97 (plus idle fund interest - \$2436.96, plus temporary note interest - \$3,456.07). Financing to be issued at this time - \$313,441.00. (765725/472-83404/490-836).

d) Improving Alley between Mead and Mosley from 10th to 11th Streets North to serve Sankey and McCalls Addition (south of 13th Street North, east of Broadway). Total Cost - \$62,920.49 (plus idle fund interest - \$540.55, plus temporary note interest - \$702.96). Financing to be issued at this time - \$64,164.00. (765646/472-83254/490-757).

e) Improving Alley from Murdock to 8th Street between Market and Broadway to serve Munger's Original Town Addition (north of Murdock, west of Broadway). Total Cost - \$55,161.04 (less idle fund interest - \$807.32, plus temporary note interest - \$632.64). Financing to be issued at this time - \$56,601.00. (765699/472-83414/490-810).

f) Improving Maize Court and construct sidewalk to serve Chadsworth Plaza (north of 21st Street North, east of Maize). Total Cost - \$171,905.75 (plus idle fund interest - \$2,596.02, plus temporary note interest - \$1,261.23). Financing to be issued at this time - \$175,763.00. (765748/472-83538/490-859).

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 409

g) Improving Tipperary from west line of Lot 1, Blk 1 to east line of Lot 1, Blk 3; Bracken from north line of Tipperary to the southerly line of Lot 21, Blk 1; Bracken Court Lots 5-10, Blk 1; Bracken Circle Lots 11-21, Blk 1, Tipperary Court Lots 3-10, Blk 3 and sidewalk to serve Balthrop 4th Addition (north of Central, east of Greenwich). Total Cost - \$350,840.29 (plus idle fund interest - \$4,075.97, plus temporary note interest - \$4,006.74). Financing to be issued at this time - \$358,923.00. (765721/472-83468/490-832).

h) Improving 34th Street, Brookview, Ridgeport, Lakeway, Brookview Court and Sidewalk to serve Ridge Port North 4th Addition (south of 37th Street North, east of Ridge). Total Cost - \$386,944.78 (plus idle fund interest - \$4,226.47, plus temporary note interest - \$3,221.75). Financing to be issued at this time - \$394,393.00. (765735/472-83409/490-846).

i) Improving Tallowwood, Castlewood/ Glen Wood, Tallowwood Court including the cul-de-sac and sidewalk to serve Rocky Creek Addition (north of 13th, east of 127th Street East). Total Cost - \$301,307.51 (plus idle fund interest - \$3,175.74, plus temporary note interest - \$3,221.75). Financing to be issued at this time - \$307,705.00. (765731/472-83433/490-842).

j) Improving Clark/Stoneybrook, Mt. Vernon, Cranbrook, Stoneybrook Court including cul-de-sac, Stoneybrook Circle including cul-de-sac to serve Brentwood Village Addition, Brentwood South Addition, and Maple Shade Addition (east of Webb, north of Pawnee). Total Cost - \$550,088.37 (plus idle fund interest - \$5,509.83, plus temporary note interest - \$6,811.80). Financing to be issued at this time - \$562,410.00. (765713/472-83444/490-824).

k) Improving Chapel Hill, Crestwood, Bedford, Summerfield Loop to serve Chapel Hill Addition (north of 13th, east of Greenwich). Total Cost - \$579,064.35 (plus idle fund interest - \$5,766.89, plus temporary note interest - \$5,857.76). Financing to be issued at this time - \$590,689.00. (765739/472-83077/490-850).

l) Improving Lydia, Lydia Court, Crestline Court, Crestline and sidewalk to serve Shelly's Orchard (east of Maize, north of Pawnee). Total Cost - \$251,309.95 (plus idle fund interest - \$2,187.82, plus temporary note interest - \$2,768.23). Financing to be issued at this time - \$256,266.00. (765728/472-83493/490-839).

m) Improving Onewood, from the east line of Onewood Place, west to the west line of the plat; Onewood Place to serve Auburn Hills 12th Addition (west of 135th Street West, south of Maple). Total Cost - \$247,786.74 (plus idle fund interest - \$3,536.97, plus temporary note interest - \$2,801.29). Financing to be issued at this time - \$254,125.00. (765722/472-83291/490-833).

n) Improving Goebel and including cul-de-sac to serve Harrison Park 2nd Addition (north of Harry, east of Webb) Total Cost - \$117,552.08 (plus idle fund interest - \$1,109.09, plus temporary note interest - \$995.83). Financing to be issued at this time - \$119,657.00. (765747/472-83612/490-858).

o) Improving Tee Time, Lakecrest Circle and cul-de-sac to serve Forest Lakes Addition (north of 29th, west of Ridge Road). Total Cost - \$202,545.87 (plus idle fund interest - \$2,519.59, plus temporary note interest - \$1,171.54). Financing to be issued at this time - \$206,237.00. (765729/472-82322/490-840).

p) Improving Forrest Park, Lake Ridge, Forrest Park Court and sidewalk to serve Forest Lakes West Addition (north of 29th Street North, east of Tyler). Total Cost - \$124,159.52 (plus idle fund interest - \$1,503.97, plus temporary note interest - \$761.51). Financing to be issued at this time - \$126,425.00. (765730/472-82874/490-841).

q) Improving Custer Avenue and cul-de-sac to serve Southwest Industrial Addition (north of Pawnee, west of Meridian). Total Cost - \$480,544.75 (plus idle fund interest - \$5,823.37, plus temporary note interest - \$2,928.88). Financing to be issued at this time - \$489,297.00. (765686/472-83389/490-797).

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 410

r) Improving Chautauqua from 26th Street to 27th Street North to serve Bruce Jones and Agee Hunter Addition (south of 29th Street, west of Hillside). Total Cost - \$48,082.20 (less idle fund interest - \$914.80, plus temporary note interest - \$0). Financing to be issued at this time - \$48,997.00. (765741/472-83601/490-852).

s) Improving 31st Street North from Hood to Arkansas to serve Timmermeyer Gardens, E.C. & L.R. Cole's Addition to Carey Park, and Unplatted Tracts (north of 29th Street North, west of Arkansas). Total Cost - \$489,440.27 (less idle fund interest - \$4,831.61, plus temporary note interest - \$3,701.12). Financing to be issued at this time - \$497,973.00. (765651/472-83271/490-762).

t) Improving Remington Lane, Bluegrass, Kentucky Lane, Remington Lane Court and Sidewalk to serve Highland Springs 2nd Addition (south of Central, west of 135th Street West). Total Cost - \$218,221.94 (less idle fund interest - \$2,918.89, plus temporary note interest - \$935.17). Financing to be issued at this time - \$222,076.00. (765750/472-83144/490-861).

u) Improving Great Plains, 34th Street North, and Ridgewood to serve Great Plains Business Park 3rd Addition (east of Oliver, north of K-96). Total Cost - \$452,148.55 (less idle fund interest - \$5,278.70, plus temporary note interest - \$3,221.75). Financing to be issued at this time - \$460,649.00. (765738/472-83550/490-849).

v) Improving 26th Street North, Alley, Burnett to serve North Lawn Addition, Buckeye Addition, Gardner's Addition, and Alley Park Addition (west of Broadway, south of 29th Street North). Total Cost - \$448,905.90 (less idle fund interest - \$4,099.97, plus temporary note interest - \$5,459.13). Financing to be issued at this time - \$458,465.00. (765662/472-83301/490-773).

w) Improving Alley between Washington and Ida from Morris to Gilbert to serve Kelsch Third & Hephner Additions (south of Kellogg, east of Washington). Total Cost - \$53,746.46 (less idle fund interest - \$1,019.21, plus temporary note interest - \$1,258.33). Financing to be issued at this time - \$56,024.00. (765654/472-83284/490-765).

x) Improving Hendryx, Reece Road, McCormick Avenue, and Reece Circle to serve Reece Farms Estates (south of Maple, west of 151st Street West). Total Cost - \$253,499.10 (less idle fund interest - \$2,804.77, plus temporary note interest - \$2,684.13). Financing to be issued at this time - \$258,988.00. (765712/472-82937/490-823).

y) Improving Wild Rose, Forest Lakes, Wild Rose Court, and Sidewalk to serve Forest Lakes Addition (north of 29th Street North, west of Ridge). Total Cost - \$143,984.77 (less idle fund interest - \$1,603.56, plus temporary note interest - \$878.67). Financing to be issued at this time - \$146,467.00. (765744/472-82327/490-855).

z) Improving Toben to serve Mediterranean Plaza Addition (south of 37th Street North, west of Webb). Total Cost - \$191,678.44 (less idle fund interest - \$4,216.56, plus temporary note interest - \$0). Financing to be issued at this time - \$195,895.00. (765740/472-83531/490-851).

aa) Improving Grove Court to serve Pine Bay Estates (east of Hydraulic, south of 63rd Street South). Total Cost - \$101,848.28 (less idle fund interest - \$1,556.26, plus temporary note interest - \$640.46). Financing to be issued at this time - \$104,045.00. (765753/472-83617/490-864).

bb) Improving Boxthorn, Ayesbury, Woodridge, Eagle, Wawona, Davin Lane, Davin Circle, Davin Court, Boxthorn Court, Ayesbury Circle and Sidewalk to serve the Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$594,669.50 (less idle fund interest - \$4538.25, plus temporary note interest - \$6,481.25). Financing to be issued at this time - \$605,689.00. (765714/472-83483/490-825).

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 411

cc) Improving Broadview Circle including the cul-de-sac and sidewalk to serve Northeast Middle School (south of 45th Street North, west of Oliver). Total Cost - \$369,711.98 (less idle fund interest - \$4,443.33, plus temporary note interest - \$2,401.69). Financing to be issued at this time - \$376,557.00. (765745/472-83604/490-856).

Motion -- carried Mayans moved that the Statements of Cost be approved and filed. Motion carried 7 to 0.

PETITIONS

SANITARY SEWER TO SERVE AN UNPLATTED TRACT NORTH OF 8TH STREET, WEST OF HOOVER. (District VI)

Agenda Report No.03-0734.

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new single-family home located north of 8th, west of Hoover.

The Petition totals \$14,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-354

Resolution of findings of advisability and resolution authorizing improving of lateral 270, main 5, sanitary sewer no. 22, (north of 8th, west of Hoover) 468-83666, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SANITARY SEWER TO SERVE LOT 2, BLOCK 6, MILES HIDDEN LAKES ADDITION - SOUTH OF MAPLE, WEST OF MAIZE. (District V)

Agenda Report No. 03-0735.

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will extend sanitary sewer service to a single-family home in Miles Hidden Lakes Estates Addition, located south of Maple, west of Maize.

The Petition totals \$12,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-355

Resolution of findings of advisability and resolution authorizing improving of lateral 36, main 1, Cowskin Interceptor Sewer, (south of Maple, west of Maize) 468-83667, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 412

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 03-0754.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

Automobilia's Moonlight Carshow & Street Party, Saturday, July 12 – 1:00-Midnight
First Street – Broadway to Mosley

Sole Sisters Run Saturday, July 12 – 7:15– 8:30 a.m.
Lewis Street – Wichita to McLean

Shrine Parade Saturday, July 26 –8:00 a.m. – 12:00 noon
Douglas – Washington to McLean
McLean – First Street South to Maple (Lewis)
First Street – Mead to Washington
Second Street – Washington to Mead
First & Waco – Southbound
First & Water – Southbound
Fist & Main – Southbound
William & Main – Northbound
William & Market – Northbound
William & Broadway – Northbound
First & Broadway – Southbound
William & Topeka – Southbound
First & St. Francis – Southbound

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Mayans moved that the requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

WEAPONS/TACTICS INTERLOCAL - SPECIAL WEAPONS AND TACTICS PROGRAM.

Agenda Report No. 03-0736.

The Sedgwick County Sheriff's Department has asked the Wichita Police Department for consideration in allowing two (2) Sheriff's Deputies to become members of the Wichita Police Department SWAT Unit. Currently, the Sedgwick County Sheriff's Department does not have a Special Weapons and Tactical Unit. This will be an opportunity for the Sheriff's Department to further its commitment of partnering with the Wichita Police Department and to gain experience in SWAT operations.

The assigned Sheriff's Deputies will be under the direct supervision of the SWAT commander when the Unit is activated; and will enhance the Special Weapons and Tactical resources while responding to situations such barricaded suspects, hostage situations, and high-risk search warrants. The agreement

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 413

will provide a clear operational guideline between the Wichita Police Department and Sedgwick County Sheriff's Department regarding the two assigned Sheriff's Deputies.

Currently, the SWAT team is comprised of 15 commissioned Wichita Police Officers; two (2) commissioned Wichita Police hostage negotiators and eight (8) Tactical Medics. The addition of two (2) Sheriff's Deputies would bring the number of commissioned law enforcement officers on the Unit to nineteen (19).

The Sedgwick County Sheriff's Department will be responsible for the Deputies' regular salary, benefits, overtime and worker's compensation. Additionally, the Sheriff's Department will be responsible for any equipment, training and other expenses that are associated with the SWAT Unit.

Motion --
-- carried

Mayans moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ECHO HILLS ADD. EASEMENT ENCROACHMENT - ECHO HILLS ADDITION. (DISTRICT V)

Agenda Report No. 03-0737.

The Agreement allows Karen L. Nugen to occupy and construct, improvements on, over, and across the aforesaid public utility easement 10 feet in width described as the east 10 feet of Lot 13, Block 12, Echo Hills Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement.

The improvement is an above-ground swimming pool encroaching 3 feet into above said easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion --
-- carried

Mayans moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

MEADOW PASS CT. EASEMENT ENCROACHMENT - 8221 MEADOW PASS COURT. (DISTRICT V)

Agenda Report No. 03-0738.

The Agreement allows Richard & Debra Mouser to occupy and construct for 8221 Meadow Pass Court, improvements on, over, and across the aforesaid drainage and utility easement 20 feet in width described as the northerly 20 feet of Lot 27, Block 3, Northridge Lakes Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be an inground swimming pool encroaching 2 feet into the easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion --
-- carried

Mayans moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

IMPROVEMENTS GARVEY PARK IMPROVEMENTS. (DISTRICT III)

Agenda Report No. 03-0739.

The City owns a parcel of land at 3501 South Washington (I-135 and the Arkansas River), which offers the potential to improve recreational opportunities in this area of the community. The site formerly housed a YMCA facility.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 414

On July 9, 2002, the City Council approved the project for design and authorized staff to select a design consultant. Later in 2002, the City Council approved the selection of McCluggage Van Sickle and Perry Corporation (MVP) as the design consultant for this project.

The MVP firm has completed the Schematic and Design Development Phases of the project. Staff has approved the design and estimated cost of construction and has authorized MVP to proceed with the bid specifications for the project. The project, as designed, includes a canoe launch on the river, a bike-path trailhead, a restroom and storage facility, and a paved parking area.

The project is authorized in the 2002 – 2011 Capital Improvement Program (CIP) at \$330,000. The funding source is General Obligation Bonds. (Project No. 392163, OCA No. 785031)

Motion --
-- carried

Mayans moved that the Resolution be adopted and the construction of the improvements be approved. Motion carried 7 to 0.

RESOLUTION NO. 03-356

A resolution authorizing a project to design and construct certain improvements near the intersection of 1-135 and the Arkansas River (Garvey Park), including a canoe launch, bikepath trailhead and paved parking area; authorizing the issuance of bonds of the city of Wichita, Kansas, to pay all or a portion of the cost thereof; and repealing resolution no. 02-340, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

IRBS

TAXABLE INDUSTRIAL REVENUE BONDS, SERIES V, 2000, AND SERIES III, 2002 - BIG DOG MOTORCYCLES PROJECT, APPROVAL OF ALLEY LEASE. (DISTRICT I)

Agenda Report No. 03-0740.

Waterview Realty, L.L.C., an affiliate of Big Dog Motorcycles, and the Tenant under the Industrial Revenue Bond ("IRB") Leases for the City's Series V, 2000 and Series III, 2002 Bonds, has asked the City to join in an Alley Lease that will grant the leasehold interests in a strip of land reverting to City ownership as the result of the vacation of an alleyway adjoining the IRB project. (The vacated strip reverted to the City because the City is currently the record owner of the project due to the IRB financing structure.) The strip of land is not included in the legal description under the existing IRB Leases, because it was an unvacated public way at the time they were drafted. Following the vacation, the strip will not be an alley, but the proposed document has been called an "Alley Lease" to distinguish it from the IRB Leases in subsequent bond documents.

Executing the proposed Alley Lease will make the property available to Big Dog Motorcycles for sublease to TDFW, LLC, a neighboring business to which the other half of the vacated alley reverted. Appropriate adjustments can be made to include this interest in the main IRB Leases the next time the Leases are amended for issuance of Additional Bonds.

The execution and delivery of the proposed Alley Lease will be without cost to the City.

Motion --
-- carried

Mayans moved that the Resolution be adopted; and the necessary document signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 03-358

A Resolution approving a certain lease of a portion of vacated alleyway reverting in relation to certain industrial revenue bond property financed with proceeds of taxable industrial revenue bonds, Series V, 2000 and Series III, 2002 - Big Dog Motorcycles Project, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 415

SANITARY SEWER

AMENDING RESOLUTION - SANITARY SEWER ALONG BROADWAY, NORTH OF MACARTHUR. (DISTRICT III)

Agenda Report No. 03-0741.

On March 2, 1999, the City Council approved a Petition for a sanitary sewer to serve properties along both sides of Broadway, north of MacArthur. After the project was designed, the owners of property on the west side of Broadway requested that the pipeline for their area be eliminated.

An amending Resolution has been prepared that assesses the properties west of Broadway only for design expenses incurred before the project was modified.

The total project budget of \$200,000 remains unchanged. The design-only assessment to the area on the west side of Broadway is \$7,800.

The City Council has the authority under State Statutes to adjust the allocation of special assessments.

Motion -- carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-357

A Resolution amending Resolution No. R-99-085 of the city of Wichita, Kansas authorizing the construction of lateral 88, main 1, southwest interceptor sewer (along Broadway, north of MacArthur) project no. 468-82967 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 1, 2003)

- a) Central Avenue improvements – Oliver to Woodlawn. (Districts I and II)

ORDINANCE NO. 45-753

An Ordinance declaring Central Avenue, from Oliver to Woodlawn (472-83754) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Property acquisition by eminent domain – 9018 East Kellogg. (District II)

ORDINANCE NO. 45-754

An Ordinance providing for acquisition by eminent domain of 9018 East Kellogg, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 416

- c) ZON2003-26 (Associated with CON2003-16) - north of Maple, west of 135th Street West. (District V)

ORDINANCE NO. 45-755

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. Lot 1 (ZON2003-26)

ORDINANCE NO. 45-756

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Lot 2 (ZON2003-26)

- d) ZON2002-08 - north of Harry, east of Hillside. (District III)

ORDINANCE NO. 45-757

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2002-08)

- e) ZON2000-35 – west of Tyler, south of Central. (District V)

ORDINANCE NO. 45-758

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2000-35)

- f) ZON2002-05 – south of Harry, east Side of Webb Road. (District II)

ORDINANCE NO. 45-759

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2002-05)

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 417

the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

Mayans moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

VAC2003-21

VAC2003-21 - VACATE EASEMENT - NORTHWEST OF THE 21st STREET NORTH/ROCK ROAD INTERSECTION. (DISTRICT II)

Agenda Report No. 03-0742.

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of the platted 10-foot wide utility easement as recorded between Lots 12 & 13, Block 1, Chelsea Estates Addition, which is generally located southwest of the 21st Street North – Rock Road intersection, 1941 Rutland. The Chelsea Estates Addition was recorded with the Register of Deeds August 5, 1977.

The applicant proposes a boundary shift, attaching the north half of Lot 13 to the south side of Lot 12. The boundary shift and the vacation of the utility easement would allow the applicant more area to build a single-family home on the reconfigured site. There is no water, sewer or utility equipment in the easement. There are no plans for water, sewer or utility equipment in the easement in the future.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion --
-- carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2003-23

VAC2003-23 - VACATE A PORTION OF A PLATTED UTILITY EASEMENT LOCATED NORTHWEST OF THE 29TH STREET NORTH – WEBB ROAD INTERSECTION. (DISTRICT II)

Agenda Report No. 03-0743.

The applicant is requesting consideration for the vacation of the 20-foot platted utility easement as recorded on Lot 5, Block 2, Regency Park Addition, generally located northwest of the 29th Street North – Webb Road intersection, 9920 East 29th Street North. The Regency Park Addition was recorded with the Register of Deeds in 2000.

The applicant requests the vacation to allow for more building square footage. There is no sewer, water or utility equipment in the easement. There are no plans for water, sewer or utility equipment in the easement in the future.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion --
-- carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 418

VAC2003-25

VAC2003-25 - VACATE ALLEY - SOUTHEAST OF THE GROVE/HARRY INTERSECTION. (DISTRICT III)

Agenda Report No. 03-0744.

The applicant is requesting consideration to vacate all of a 16-foot wide, north (Osie Street) to south (Funston Street) alley, generally located southeast of the Harry Street – Grove intersection, at the Chisholm Elementary School, 2515 Osie. The Eicholtz Addition was recorded May 2, 1887.

There are existing encroachments by school buildings and possible future encroachments by future building expansion. The alley is not developed and contains, besides the existing encroachments, a playground and track. The applicant owns all the properties abutting the alley. There is no sewer, water or other utilities in the alley. There are no plans for water, sewer or utility equipment in the easement in the future. There is sewer and a manhole outside the alley's (Lots 2-14, even) east side. There are buildings over a portion of this sewer line. Records indicate this a private line.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

A03-17

A03-17 - ANNEX LAND NEAR THE NORTHWEST CORNER OF SOUTH GREENWICH ROAD, EAST OF HARRY STREET. (DISTRICT II)

Agenda Report No. 03-0745

The City has received a request to annex 32.82 acres of land situated near the northwest corner of the intersection of S. Greenwich Road and E. Harry Street. The annexation area abuts the City of Wichita to the south, east and west. The property owner has received preliminary and final platting approvals to develop annexation area (including additional lands to the east within the City limits) as the Crystal Creek Addition. This development proposes a total of 77 single family residential lots, supplemented with 6 commercial uses fronting on E. Harry Street. The applicant anticipates that the site will be fully developed for residential use in three years, with commercial uses developed in the fifth year. Accordingly, the applicant has requested 30.82 acres of "SF-5" Single Family Residential zoning and 1.89 acres of "LC" Limited Commercial zoning with this annexation request.

Land Use and Zoning: The annexation area is presently in agricultural use, and zoned "SF-20" Single Family Residential. Lands adjoining the proposed annexation area to the north are also in agricultural production and zoned "SF-20" Single Family Residential. Lands to south and southeast are residentially developed and zoned "SF-5" Single Family Residential. Lands to the west are also residentially developed and are zoned "TF-3" Two-Family Residential. Lands immediately to the east are currently vacant and zoned "SF-20" Single Family Residential, but will be redeveloped as part of the Crystal Creek Addition.

Public Services: Wichita water and sanitary sewer services are readily available to the annexation area along E. Harry Street.

Street System: The property requested for annexation has access to E. Harry Street (four-lane paved road) that serves the area as the nearest east-west arterial road, and S. Greenwich Road (two-lane paved road) that serves the area as the nearest north-south arterial road. There are plans in the 2002-20011 City of Wichita Capital Improvement Plan for the reconstruction and widening of S. Greenwich Road from E. Harry north to Kellogg, to a paved four-lane roadway in 2008-9.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 419

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a six (6) to seven (7) minute approximate response time from City Fire Station #15 located at the intersection of S. Rock Road and E. Lincoln Street. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: W.B. Harrison Park, a 40 acre park, is located approximately one mile west of the proposed annexation site. A bike pathway is proposed one mile to the east along E. Harry Street in the 1996 Parks and Open Space Plan.

School District: The annexation property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation properties is \$2,080 with a total assessed value of \$624. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$20 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, when development is completed, the property owner projects an overall appraised value of \$1,760,000 for commercial use and \$6,776,000 for residential use, resulting in a total combined assessed valuation of \$1,219,240. Assuming the current City levy remains about the same, this would roughly yield \$38,292 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Mayans moved that the annexation and first reading of the Ordinance be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas (A03-17), introduced and under the rules laid over.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

AIRPORT.

AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION - JABARA LAND ACQUISITION.

Agenda Report No. 03-0746.

On April 8, 2003 the City Council approved the purchase of property located adjacent to Colonel James Jabara Airport.

Staff has prepared a grant application for these funds to submit to the FAA.

The Airport is requesting that \$345,094 in AIP funds be directed for this purpose. The Airport's responsibility of \$38,344 will be funded with G.O. bonds paid with airport revenue.

Motion --
-- carried

Mayans moved that the Grant Application and receipt of funds be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 420

AIRPORT

ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR RUNWAY APPROACH PROTECTION - JABARA AIRPORT.

Agenda Report No. 03-0747.

The properties located at 4444 and 4700 North Webb Road and a portion of the northwest quadrant of 45th Street North and Greenwich are impacted by the Runway Protection Zone and/or the Runway Approach Protection area as defined for Colonel James Jabara Airport. The FAA has approved the acquisition of the impacted tracts to prevent further development in the protected area and will pay 90% of the acquisition costs. The tracts on Webb Road are developed with two single-family residences. While only part of the sites are required for the protection zone, due to the proximity of the improvements, the entire parcels are being acquired.

City staff has attempted to negotiate the purchase of the identified properties but have been unable to reach an agreement with the owners. The property located at 4444 North Webb was appraised at \$1,150,000 by the Airport Authority and \$1,869,000 by the owner. The property located at 4700 North Webb was appraised at \$1,070,000 by the Airport Authority and \$1,740,000 by the owner. The needed parcel at Greenwich and 45th was appraised at \$12,095 per acre. The owner (Chisolm Creek LLC) countered at \$28,800 per acre. They acquired the parcel for \$6,750 per acre in January 2003. Staff will continue to negotiate with the owner, but due to the lack of constructive negotiations to date, eminent domain proceedings are considered necessary.

The cost of these acquisitions will be paid for with a mixture of General Obligation Bonds paid with airport revenue and FAA funds.

Motion --

Mayans moved that the Resolution be adopted and the Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition be placed on first reading. Motion carried 7 to 0.

-- carried

RESOLUTION NO. A03-009

A Resolution declaring the necessity for acquiring private property for the use of the city of Wichita in connection with preservation of runway approach protection for Colonel James Jabara Airport

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

HOUSING

2002 PUBLIC HOUSING ASSESSMENT SYSTEM SCORES.

Agenda Report No. 03-0748.

On January 11, 2000, HUD published 24 CFR Part 902 in the Federal Register requiring housing authorities to submit The Public Housing Assessment System (PHAS) Certification. The evaluation system designates public housing authorities as High Performers, Standard Performers or Troubled Performers. Housing authorities that score 90 or higher on a 100-point scale will be judged to be High Performers and will be given more operating flexibility. Housing authorities that score above 60 and below 90 will be judged to be Standard Performers.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 421

Housing authorities scoring below 60 will be judged to be Troubled Performers under PHAS and will receive help from HUD's Troubled Agency Recovery Center to improve their performance and meet HUD's new standards. If a troubled housing authority fails to significantly improve its performance a year after it is referred to the Recovery Center, HUD's Enforcement Center can ask a federal judge to create a receivership to take over management of the authority and remove its board members from office. HUD can also seek civil and criminal sanctions against housing authorities in the most serious cases.

The key elements of the 2002 PHAS score report are the following:

Physical Inspections – 30% of score – HUD conducts the physical inspection of all public housing developments. Evaluations are based on objective, verifiable and uniform national standards designed to determine if public housing residents receive decent, safe and sanitary housing.

Financial Assessment – 30% of score – HUD will evaluate the financial condition of the WHA, using generally accepted accounting principles. The Wichita Housing Authority (WHA) accountants will electronically submit standardized financial information to HUD prior to March 1, 2003.

Management Review – 30% of score – HUD measures 19 management indicators. These indicators include unit turnaround time, Capital Fund expenditures, completion time of maintenance work orders, annual inspections lease enforcement and resident self-sufficiency.

Resident Satisfaction and Services Assessment – 10% of score – HUD will survey public housing residents about their satisfaction with the developments in which they reside. Residents are asked their opinion of the quality of their dwelling units, resident organizations, program activities, safety and other issues.

The overall PHAS score is calculated based upon all indicators and graded by HUD's computer. The total score for 2002 is 87. This compares to the 2001 score of 85. The Public Housing Division made ready and leased 141 units in 2002 compared to 98 units in 2001. The Physical Condition score was the same as 2001, as public housing dwellings are only inspected by HUD contractors every other year when the previous year's score is 24 or above. The final PHAS score results for 2002 were:

Physical Condition	26 of 30
Financial Condition	26 of 30
Management	26 of 30
Resident Satisfaction	9 of 10
Total	87 of 100

The Housing Authority Board reviewed and authorized the submission of the 2002 PHAS Certification on February 11, 2003.

Motion --
-- carried

Mayans moved that the 2002 Public Housing Assessment System report be received and filed. Motion carried 8 to 0.

HOUSING

RESOLUTION APPROVING EXECUTION OF HUD GENERAL DEPOSITORY AGREEMENTS.

Agenda Report No. 03-0749.

The Department of Housing and Urban Development (HUD) requires that the Wichita Housing Authority Board approve a resolution authorizing the execution of a HUD General Depository Agreement (HUD-form 51999) with each financial institution where HUD funds are deposited.

Currently Wichita Housing Authority funds are deposited in Intrust Bank, Hillcrest Bank and Valley State Bank. General Depository Agreements must be completed for each Bank and executed by the Wichita Housing Authority Board's Chairperson and each Bank's designated official.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 422

Motion --
-- carried

Mayans moved that the resolution approving execution of HUD general depository agreements be adopted. Motion carried 8 to 0.

RESOLUTION NO. H03-04

A Resolution authorizing execution of a HUD General Depository agreement with each financial institution where HUD funds are deposited, presented. Mayans moved that the Resolution be adopted. Motion carried 8 to 0. Ayes: Brewer, Fearey, Gray, Grays-McClellan, Lambke, Martz, Schlapp, Mayans.

HOUSING

2003 SECTION 8 VOUCHER REVISED HUD BUDGET.

Agenda Report No. 03-0750.

The Department of Housing and Urban Development (HUD) approved an Annual Budget of \$11,741,247 for the City of Wichita Housing Authority for the 2003 Section 8 Voucher Program. Staff is recommending an increase to this budget of \$1,679,179 to address an additional 45 vouchers approved by HUD following submission of the budget. Additionally, increased payment standards went into effect October 1, 2002. The impact of the increased payment standards and rental of larger bedroom sizes has increased the average monthly rental assistance payment from \$372 in 2002 to \$410 in 2003.

A new budget estimate using six months of the current year data indicates that an estimated \$13,420,426 will be needed for the 2003 budget, an increase of \$1,679,179. To receive this amount a revised budget must be submitted to HUD for approval.

Listed below is a schedule of the original and revised funds required to complete the 2003 grant year. The revision will be totally funded by HUD with funds allocated for the Wichita Housing Authority.

	Revised Budget	Original Budget	Budget Increase
FSS Coord. Grant	\$ 105,077	\$ 105,077	\$ 0
Housing Pmts	\$11,931,410	\$10,360,944	\$ 1,570,466
Admin. Fee	\$ 1,340,439	\$ 1,231,726	\$ 108,713
Hard to House	\$ 37,500	\$ 37,500	\$ 0
Audit Costs	\$ 6,000	\$ 6,000	\$ 0
Total Funds Req.	\$13,420,426	\$11,741,247	\$ 1,679,179

The changes to the budgets will only impact WHA federally funded budgets. The 2003 Housing Assistance Payments (HAP) Budget will increase by \$1,570,466. There is no impact on the City's non-federal budget.

Wichita Housing Authority Board approval is required for revised budget submittals to HUD.

Motion --
-- carried

Mayans moved that submittal of the revised HUD Section 8 Voucher Budget and appropriate signatures be authorized. Motion carried 8 to 0.

OCCUPANCY REP.

PUBLIC HOUSING OCCUPANCY.

Agenda Report No. 03-0751.

The Wichita Public Housing Authority (WHA) rents publicly owned housing to low-income households at affordable rates based upon income and family size. Rent is based upon 30 percent of the household adjusted gross income. The WHA owns various single-family houses, primarily located in the inner City and four apartment complexes: Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutchinson.

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 423

Staff regularly provides an informational report regarding occupancy status of its rental units to the Housing Authority Board. This update provides the current vacancy status of the 575 Public Housing rental units including 226 elderly – disabled apartments and 349 single-family dwellings. It includes vacant units in the process of being made ready by maintenance for lease, those in the Capital Fund Program for major rehabilitation and units that have been made ready for lease.

As of May 9, 2003, 15 units are in make ready status, 0 units are in the Capital Fund Program and 9 units are ready to be leased. The total of 24 vacancies represents an occupancy rate of 95.8%. Property Managers leased 8 units during the month of May. It is projected that approximately 100 units will be vacated and reoccupied in 2003.

Motion -- carried

Mayans moved that the Report be received and filed. Motion carried 8 to 0.

CAPITAL IMPR.

PUBLIC HOUSING CAPITAL IMPROVEMENTS.

Agenda Report No. 03-0752.

The Wichita Public Housing Authority (WHA) rents publicly owned housing to low-income households at an affordable rate based upon income and family size. Rent is based upon 30 percent of the household adjusted gross income. The WHA owns various single-family houses, primarily located in the inner City, and four apartment complexes: Greenway Manor, McLean Manor, Rosa Gragg and Bernice Hutchinson. WHA receives additional funding from Housing and Urban Development (HUD) to improve the physical condition of the public housing properties through renovation and rehabilitation.

The City of Wichita Housing Authority (WHA) administers a Capital Fund Program for all necessary capital improvements and corrections of deficiencies in the public housing rental inventory. The inventory includes 226 elderly-disabled apartments and 349 single-family dwellings. The Program is also used to upgrade the management facilities of the WHA to assure the ability of staff to serve the housing needs of low-to-moderate income families. The report covers the current status of all Capital Fund improvement projects.

The 2001 Capital Fund Grant is fully expended and has a pre-audit closure. The 2002 Capital Fund grant is in the amount of \$1,159,577. To date, HUD has not made the formula allocations for the 2003 Capital Fund Grant. Attached is the summary of the capital improvement projects scheduled for the 2002 through 2006 Capital Fund grant years. The 2003 through 2006 budgeted amounts are estimated on the basis of the 2002 grant amount.

Motion -- carried

Mayans moved that the Report be received and filed. Motion carried 8 to 0.

SECTION 8

SECTION 8 STATISTICAL.

Agenda Report No. 03-0753.

The Section 8 Housing Assistance program provides rent and utility assistance through vouchers and certificates. The Section 8 Housing Choice Voucher Program provides subsidy vouchers to tenants based upon a rent set by the landlord and tenant, with an upper rent limit set by Housing and Urban Development (HUD). Portable voucher options are provided to families that have received a Housing Choice Program Voucher and have elected to utilize their rental assistance in another state or a city within Kansas.

The Shelter Plus Care Program provides rental assistance to the hard-to-house homeless families who are chronic substance abusers, mentally ill or have AIDS or AIDS related illnesses. This program consists of 102 coupons to assist eligible families that are eligible for all bedroom sizes.

The Moderate Rehabilitation program was established to upgrade substandard rental housing and provide rental assistance for lower-income families. This program consists of fifty-eight (58) units

CITY COUNCIL PROCEEDINGS

JOURNAL 178

JULY 8, 2003

PAGE 424

owned and operated by Helping Our People Economically (HOPE), Inc. that are eligible for studios, one, and two bedrooms units.

Section 8 works with approximately 700 landlords and is approved by HUD to administer 2,647 voucher allocations for tenants.

Housing units must be inspected prior to tenant occupancy, 120 days after occupancy and annually thereafter to ensure the landlord is maintaining the housing unit in compliance with housing standards. Section 8 is also required to perform exit inspections to ensure no damage occurred above the customary living usage.

Following is a breakdown of assistance provided through the Section 8 Program for May 2003.

Program	Number Allocated	Number Comtd	Over (Under) Comtd	Annual Lease-Up	Annual Rate
Housing Choice Voucher	2366	2499	133	2499	105.6%
Shelter Plus Care	102	74	(29)		
Moderate Rehab	58	37	(21)		
Portable Vouchers	37	37	0		
TOTAL	2563	2647	83		

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, Housing Services is able to assist additional units and remain within budget.

Motion -- carried

Mayans moved that the Report be received and filed. Motion carried 8 to 0.

EXECUTIVE SESSION

Motion --

Mayans moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; and that the City Council return no earlier than 11:45 a.m. in the City Council Chambers. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 10:18 a.m. and reconvened at 10:50 a.m.

Mayor Mayans

Mayor Mayans announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 10:51 a.m.

Pat Graves CMC
City Clerk